

GARRETT ALWERT,)
)
Plaintiff,)
)
-vs-) Case No. CIV-16-1256-F
)
COMMISSIONER OF SOCIAL)
SECURITY ADMINISTRATION,)
)
Defendant.)

United States Magistrate Judge Suzanne Mitchell has issued a Report and Recommendation, recommending the denial of plaintiff's fifth request to extend the time to file his opening brief and the dismissal of plaintiff's action under Rule 41(b), Fed. R. Civ. P., for failure to prosecute.

Accordingly, the Report and Recommendation of United States Magistrate Judge Suzanne Mitchell (doc. no. 23), issued on July 14, 2017, is **ACCEPTED**,

ADOPTED and **AFFIRMED**. Plaintiff's Unopposed Motion to File Opening Brief Out of Time (doc. no. 22) is **DENIED**. The above-entitled action is **DISMISSED** under Rule 41(b), Fed. R. Civ. P., for failure to prosecute.

IT IS SO ORDERED this 11th day of August, 2017.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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